

31. (withdrawn) A product as recited in claim 11, wherein ink used to create the image dries at substantially the same time.

32. (withdrawn) A product as recited in claim 11, wherein the group of flowers is a single flower.

33. (withdrawn) A product as recited in claim 24, wherein the petal is not indented.

34. (withdrawn) A product as recited in claim 24, wherein the image dries at substantially the same time.

REMARKS

Please do not enter the Second Supplemental Amendment filed March 11, 2004, to avoid confusion of the issue. The claims in this Amendment have been captioned as though the Second Supplemental Amendment had not been entered in the case. As the amended claims still contain the "identical-printed image" language, however, Applicant would like to address the new matter rejection presented in the Office Action.

The Examiner is directed to Figure 5 of the original disclosure which shows a group of flowers having an identical image printed thereon.

Figure 3 shows that same image being printed upon the flower using a pad printing method which by definition produces identical pad-printed images. The description given for Figure 5 is "Figure 5 provides an example of one or more organic products having an image placed thereon and in accordance with the present invention." Since the term "an image" is used in the singular, and since the illustration shows several flowers, it is clear that an identical image is applied to all of the products.

Likewise on page 11, lines 12, 13, and 14, the original disclosure states, “The subsequent image may be the same image that is prepared with a different ink or may be an entirely different image.” It is clear that application of the same image in this subsequent step indicates that the originally filed specification gives enabling disclosure of the printing of an identical image. Since a repetitive pad printing process is used, the specification language regarding the “same image” and the claim limitation of “identical image” has the same meaning.

Likewise, on page 11 at line 21, it states, “Once it is determined in decision block 64 that another image is not to be provided, execution proceeds to decision block 66 for determination as to whether or not the same image is to be provided onto another organic product. If it is determined that a same image is provided onto another organic product, execution proceeds to a decision block 68 for determination as to whether or not to provide additional ink to the medium or pad.”

Turning now to page 12, lines 16 through 18, “As illustrated by images 82, the image may be provided in a variety of directions with respect to the central axis of the particular organic product 80.” The fact that a single image may be provided in a variety of directions further bolsters the position that the images on page 5 are identical as they are “the image.”

As a result, Applicant respectfully requests that the new matter rejection be withdrawn as the originally filed specification clearly supported the amendments to the claim and no new matter was entered. This is true of both simple designs and complex designs such as those described in the application including photographs, trademarks, and other complex designs. It is Applicant’s position that none of the prior art teaches a group of flowers having placed thereon “overlaid identical pad-printed images.”

Claim 11 and subsequent claims have been amended to more clearly indicate what was meant in the earlier language, “Free of indentations and surface cellular damage during the overlaying of

the ink image.” This language has been amended for clarification to read “undamaged.” Page 9, lines 15 through 20 indicate that, “In one embodiment, and as illustrated by arrow 36, the organic product is placed in contact with the surface of pad 22 to transfer a clean image of 34 onto the organic product such as a flower petal 32.”

Also on page 10, line 23, “At step 60 the image is then transferred onto an organic product. This may be performed, for example, by rolling the surface of the pad that includes the negative image onto the surface of an organic product.” This transfer process is to be contrasted with cited prior art namely U.S. Patent No. 6,172,328 to Jones; and U.S. Patent No. 5,305,550 to Skonecki. The abstract for the ‘328 Jones patent begins, “Methods are provided for etching, cutting, and/or altering the surface of a flower . . .” This is done with laser energy to affect a marking of the foliage. It occurs by thermally disrupting plant tissue to cause a permanent mark on the foliage surface. Jones does not teach a group of flowers each having placed thereon an overlaid identical pad-printed image wherein each of the group of flowers is in a natural undamaged configuration. Instead, Jones teaches a group of flowers that have etched, cut or altered surfaces which have been disrupted on their surfaces or have been cut by the laser beam.

Turning now to the ‘550 Skonecki patent, the Skonecki patent does not teach a group of flowers each having placed thereon overlaid identical pad-printed image or in that each of the flowers in the group of flowers as in an undamaged natural configuration. In column 1, line 32, the Skonecki patent indicates that, “A unique individualized message or drawing can be easily applied to the petal to mark a special occasion.” Uniqueness indicates non-reproducibility. Skonecki teaches in Column 2, lines 14 through 20 that care must be taken to avoid damaging the petal. It states, “All the pens in the group are operable to enable the paint to flow from a tip thereof onto the petal by applying minimal pressure to the petal with the tip, thereby preventing damage to the pedal [sic].”

Skonecki teaches that if more than minimal pressure is applied damage will occur. Since the Skonecki process is performed by a human, there is a chance that the Skonecki process can result in more than minimal pressure being applied thereby damaging the petal. This is in contrast to the presently claimed invention wherein each flower has, "An overlaid identical pad-printed image wherein each of the group of flowers is in an undamaged natural configuration." Because of the pad-printing process, the pressure is dispersed over a wide area thereby preventing unnecessary pressure being applied to the rose. As a result, Applicant submits that neither Skonecki nor Jones anticipate the claims of the present application.

Applicant also submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to provide identical pad-printed images on a group of flowers to promote the sale of flowers since such identical images are not possible using the Skonecki reference; and although identical images could be provided by the Jones reference, it cannot be provided without damaging the natural configuration of the flowers.

The Examiner states on page 3 of the Office Action that the flowers of Jones and Skonecki are "substantially similar products." Applicant points out that the flowers of Jones have been operated upon by laser energy from an optical beam resulting in a change to its natural configuration. They are not, therefore, substantially similar products.

As pointed out earlier pad-printing results in a pad having a large cross-section being applied to a flower so as to transfer the image. This gentle pressure will result in a flower which lasts much longer than one that has had its tissue disrupted.

Applicant respectfully submits that the term "printed" should not apply to the Jones reference as it does not press markings onto a surface, but instead disrupts the surface. Although the Skonecki

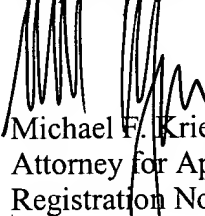
reference teaches hand printing, it utilizes a system with a narrow point pen allowing for any accidental pressure above the minimal level damaging the flower.

As pointed out earlier, the Skonecki reference cannot provide overlaid, nor identical, nor pad-printed images. As a result, neither Skonecki nor Jones can produce a group of flowers each having placed thereon an overlaid identical pad-printed image when each of the group of flowers is in an undamaged natural configuration.

Because of the foregoing, Applicant respectfully requests reconsideration of the claims. Should there be any further questions or if the Examiner would like to suggest amended claim language, the Examiner is respectfully invited to contact the undersigned.

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Respectfully submitted,



Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 328-3600
Facsimile: (801) 321-4893

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